

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 533 Arthur G. Dozier School for Boys

SPONSOR(S): Narain and others

TIED BILLS: **IDEN./SIM. BILLS:** SB 708

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Government Operations Subcommittee		Moore	Williamson
2) Appropriations Committee			
3) State Affairs Committee			

SUMMARY ANALYSIS

The Arthur G. Dozier School for Boys (Dozier School or school) was a reform school located in the panhandle town of Marianna that was operated by the state from January 1, 1900, to June 30, 2011. In recent years, men have come forward to tell stories of repeated physical abuse they were subjected to by staff members as a form of discipline. These men believe there may have been fellow students who died from the abuse and were buried at the school's cemetery.

In 2012, researchers from the University of South Florida began an investigation to determine the location of missing children buried at the school in order to excavate and repatriate the remains to their families. In January 2016, the researchers issued a report of their findings. The researchers analyzed historical records and determined that nearly 100 boys aged 6 to 18 died at the school between 1900 and 1973. During the investigation, the researchers excavated 55 graves and discovered 51 sets of human remains on the school grounds, only 13 of which were located in the school's cemetery. The researchers made 7 positive identifications and 14 presumptive identifications of the remains they discovered.

The bill directs the Department of State (DOS) to preserve historical resources, records, archives, and artifacts; to create and maintain a memorial to victims; and to continue research into events at Dozier School and development of evidence of abuse that may have taken place there.

The bill also directs DOS to pay \$5,000 to the family of each child buried at Dozier School for the purpose of reintering the bodies of the children in a cemetery of each family's choice. DOS must identify and locate eligible families within six months after the effective date of the bill and must provide the burial funding to eligible families no later than December 31, 2017.

For fiscal year 2016-17, the bill appropriates \$1.5 million from the General Revenue Fund to implement the bill's requirements. The bill does not appear to have a fiscal impact on local governments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Arthur G. Dozier School for Boys

The Arthur G. Dozier School for Boys (Dozier School or school) was a reform school located in the panhandle town of Marianna that was operated by the state from January 1, 1900, to June 30, 2011. The school was created by the Florida Legislature in 1897 to provide a place “where young offenders against the laws of our state might be separated from older more vicious associates.”¹ Children were initially committed to the school for criminal offenses, but the law was later amended to identify minor offenses, such as “incurability,” “truancy,” or “dependency” as reasons for a child to be sent there.² In the 1900s, hundreds of boys were sent to the school.

In recent years, men have come forward to tell stories of repeated physical abuse they were subjected to by staff members as a form of discipline.³ These men believe there may have been fellow students who died from the abuse and were buried at the school’s cemetery.⁴ As a result of these allegations, in 2008, former Governor Charlie Crist directed the Florida Department of Law Enforcement (FDLE) to investigate 32 unmarked graves located on property surrounding Dozier School. FDLE reviewed and analyzed public records and official documents and identified 31 individuals who were purportedly buried at the school’s cemetery.⁵ FDLE was also directed to determine whether any crimes were committed, and if so, the perpetrators of those crimes.⁶ FDLE interviewed former students and former school staff, but concluded it could not find enough evidence to support the accusations.⁷

In 2012, researchers from the University of South Florida began an investigation to determine the location of missing children buried at the school in order to excavate and repatriate the remains to their families.⁸ In January 2016, the researchers issued a report of their findings. The researchers analyzed historical records and determined that nearly 100 boys aged 6 to 18 died at the school between 1900 and 1973.⁹ During the investigation, the researchers excavated 55 graves and discovered 51 sets of human remains on the school grounds, only 13 of which were located in the school’s cemetery.¹⁰ The researchers made 7 positive identifications and 14 presumptive identifications of the remains they discovered.¹¹

Department of State

The Department of State (DOS) has a variety of responsibilities, including collecting and preserving official state records and historically significant records, promoting arts and culture in the state, and facilitating cultural development and services in the state. The Division of Historical Resources, which is administratively housed within DOS, is responsible for preserving and promoting Florida’s historical, archaeological, and folk culture resources.

¹ FDLE Office of Executive Investigations, *Arthur G. Dozier School for Boys Abuse Investigation*, Case No. EI-04-0005 (Jan. 29, 2010), available at <http://thewhitehouseboys.com/abusereport.pdf> [hereinafter FDLE Abuse Report].

² Erin Kimmerle, E. Christian Wells, & Antoinette Jackson, Florida Institute for Forensic Anthropology & Applied Sciences, *Report on the Investigation into the Deaths and Burials at the Former Arthur G. Dozier School for Boys in Marianna, Florida*, January 2016, available at <http://news.usf.edu/article/articlefiles/7173-usf-final-dozier-summary-2016.pdf>.

³ FDLE Office of Executive Investigations, *Arthur G. Dozier School for Boys: Marianna, Florida*, Case No. EI-73-8455 (May 14, 2009), p.1, available at <http://www.tampabay.com/specials/2009/reports/marianna/Dozier-summary.pdf>.

⁴ *Id.* at 1.

⁵ *Id.* at 18.

⁶ FDLE Abuse Report, *supra* note 1, at 1.

⁷ *See id.* at 13.

⁸ Kimmerle, *supra* note 2, at 12.

⁹ *Id.* at 14.

¹⁰ *Id.* at 12.

¹¹ *Id.*

Effect of Proposed Changes

The bill directs DOS to preserve historical resources, records, archives, and artifacts; to create and maintain a memorial to victims; and to continue research into events at Dozier School and development of evidence of abuse that may have taken place there.

The bill also directs DOS to pay \$5,000 to the family of each child buried at Dozier School for the purpose of reintering the bodies of the children in a cemetery of each family's choice. DOS must identify and locate eligible families within six months after the effective date of the bill and must provide the burial funding to eligible families no later than December 31, 2017. However, the bill does not specify a process by which the funds will be provided to the families.

For fiscal year 2016-17, the bill appropriates \$1.5 million from the General Revenue Fund to implement the bill's requirements.

B. SECTION DIRECTORY:

Section 1 creates an unnumbered section of law relating to the duties of DOS with respect to Dozier School.

Section 2 creates an unnumbered section of law relating to compensation for families with children buried at Dozier School.

Section 3 provides an appropriation.

Section 4 provides an effective date of upon becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to have an impact on state government revenues.

2. Expenditures:

The bill appropriates \$1.5 million from the General Revenue Fund to DOS for the purpose of providing funds to the families of children buried at Dozier School so the bodies may be reinterred.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have an impact on local government revenues.

2. Expenditures:

The bill does not appear to have an impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not appear to create a need for rulemaking or rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.